

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION**

RODERICK LEONANDRA MOORE,)
AIS# 146853,)
)
Plaintiff,)
)
vs.)
)
KATHY HOLT, et al.,)
)
Defendants.)

2:05-CV-1203-MHT

SECOND SUPPLEMENTAL SPECIAL REPORT

COME NOW the Defendants, Kathy Holt, Cheryl Price, Donal Campbell, Richard Allen and Barbara Howard, in the above-styled action by and through the undersigned counsel, and file their Second Supplemental Special Report pursuant to the April 24, 2006 Order of this Honorable Court. The Defendants state as follow:

1. Attached is the Affidavit of Kathy Holt, Central Records Director. In this affidavit, Ms. Holt tries to address the Court's Order. The Plaintiff's sentence was amended on August 22, 2003 and received by ADOC on August 25, 2003. It was not until that time that the Plaintiff's sentence on CC-1994-2670 started to run concurrent with CC-91-247. The impact is that until August 25, 2003, the sentence on CC-1994-2670 was consecutive and upon said date it became concurrent with CC-91-247. (Defendants' Exhibit B)

Wherefore these premises considered, the Defendants pray that this Honorable Court will

find that the Plaintiff is not entitled to any relief and summary judgment should be granted in favor of all of the Defendants.

Respectfully submitted,

/s/ Kim T. Thomas

KIM T. THOMAS (THO115)
DEPUTY ATTORNEY GENERAL
GENERAL COUNSEL

/s/ Tara S. Knee

TARA S. KNEE (KNE003)
ASSISTANT ATTORNEY GENERAL
ASSISTANT GENERAL COUNSEL

ADDRESS OF COUNSEL:

ALABAMA DEPARTMENT OF CORRECTIONS
LEGAL DIVISION
301 S. RIPLEY STREET
P.O. BOX 301501
MONTGOMERY, AL 36130
(334) 353-3881

CERTIFICATE OF SERVICE

This is to certify that a copy of the foregoing was served upon:

Roderick Leonandra Moore
AIS# 146853
Bibb Correctional Facility
565 Bibb Lane
Brent, AL 35034

by placing a copy of same in the United States Mail, first class postage prepaid and properly addressed this 1st day of May, 2006.

/s/ Tara S. Knee

TARA S. KNEE (KNE003)
ASSISTANT ATTORNEY GENERAL
ASSISTANT GENERAL COUNSEL

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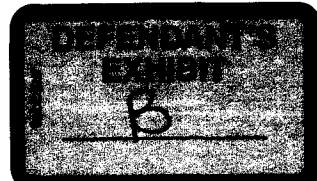
RODERICK LEONANDRA MOORE,)
AIS# 146853A,)
)
Plaintiff,)
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vs.) 2:05-CV-1203-MHT
)
KATHY HOLT, et al.,)
)
Defendants.)

AFFIDAVIT

Before me, the undersigned authority, a Notary Public in and for said County and State of Alabama at Large, personally appeared one Kathy Holt, who being known to me and being by me first duly sworn, deposes and says on oath as follows:

My name is Kathy Holt. I am presently employed by the State of Alabama, Department of Corrections, as Correctional Records Director, 301 South Ripley Street, Montgomery, Alabama 36130.

This is to certify that the amended transcript for Inmate Roderick Moore was prepared by the Circuit Clerk of Montgomery County on August 22, 2003 and received by the Alabama Department of Corrections on August 25, 2003. (Defendants' Exhibit 2, Attachment 5). This transcript stated that Montgomery County case CC-1994-2670 was to run concurrent with Jefferson County case CC-91-247. Inmate Moore had not started to serve his time on case CC-1994-2670 due to parole and later parole revocation on another case. However, when Montgomery County Circuit Court amended the transcript for its case to run concurrent with CC-91-247, the date of receipt of said transcript is the



date upon which the sentence began to run concurrent. Therefore, Inmate Moore did not begin to serve the concurrent sentence until August 22, 2003 when the transcript was prepared.



KATHY HOLT
Director of Records

SWORN TO AND SUBSCRIBED BEFORE ME
THIS THE 28th DAY OF APRIL, 2006



MARY ANN LITTLE, NOTARY PUBLIC
State of Alabama at Large
My Commission Expires July 19, 2006